

## REMARKS

Applicant has provided replacement sheets for the drawings amended on April 4, 2001. Additionally, applicant has corrected the claim status designation of claim 22, and made the amendments to claims 45 and 46 as suggested by the Examiner.

Applicant has further made the amendment to the paragraph on page 2 of the specification as suggested by the Examiner, and has indicated with the appropriate strike-throughs and underlines the amendments to the paragraph on page 23.

The prior amendment erroneously indicated claim 22 had been currently amended. This error has been corrected in that claim 22 is now indicated to be "previously presented", which is the characterization that should have been made in the prior response paper.

Claim 45 has been amended to eliminate the wording the examiner correctly characterized as "awkward". The same is true of claim 46.

Currently rejected claim 36 has been amended in a manner to patentably distinguish the claim over Japanese patent reference JP4-176,608. Specifically, claim 36 has been amended by addition of the wording "including an upstanding panel" to the "housing" element and by addition of the modifier "facingly" to the means for sensing weight of material in the bin. This claim element has further been modified by inclusion of the wording "panel of said" housing as having the means for sensing weight of material in the bin "facingly" connected to such "panel". No such structure appears in or is suggested by Japanese patent reference JP4-176,608 on which the rejection is based. Indeed, the Japanese patent reference shows the means for sensing weight of material in the bin to be positioned well above the housing and certainly not in any position to be "facingly connected" to the housing. It would take a complete juxtaposition of all the elements of the gravimetric blender disclosed in Japanese patent reference JP4-176,608 to even

approach applicant's claim 36 as currently amended. Accordingly, reconsideration and withdrawal of the rejection of claim 36 in its currently amended form is respectfully solicited.

Rejected claims 37 and 38 are now believed allowable as depending from amended claim 36. Respecting dependent claim 37, Japanese patent publication JP4-176,608 does not show or suggest a gravimetric blender with the housing including an upstanding panel and means facingly connected to a panel of the housing for sensing weight of material in the bin, where the bin bottom portion includes a sloped openable bottom, as recited in claim 37. Similarly respecting rejected claim 38, Japanese patent reference JP4-176,608 does not show or suggest a gravimetric blender having a housing including an upstanding panel with a topless openable weigh bin connected the housing, with means facingly connected to the panel of the housing for sensing weight of material in the bin, with the bin including at least two parallel sides. This being the case, dependent claim 38, depending from currently amended claim 36, is believed to be allowable.

Respecting the rejection of claim 59 in view of Japanese patent publication JP4-176,608, claim 59 has been amended to recite that the housing defines an openable enclosure and includes "a plurality of upstanding panel portions", has been further amended to recite that the weigh bin is "facingly" connected to "a panel portion of" the housing and has yet further been amended to recite that means for selectively opening the weigh bin is "connected to a panel portion of said housing". Applicant respectfully notes that the housing portion of the structure disclosed in Japanese patent publication JP4-176,608 does not show any such structure having means for opening the weigh bin connected to a panel portion of the housing. Indeed, in Japanese patent publication JP4-176,608, the means for opening the weigh bin operates from above the bin and is well outside anything which can arguably be characterized as a "housing" as defined in amended

claim 59. Accordingly, amended claim 59 is believed to patentably distinguishable over Japanese patent publication JP4-176,608. Notification of the allowability of the previously rejected claims is respectively solicited.

Applicant has added three new claims to this application, claims 60 through 62, and has drafted those claims in a way to distinguish those claims over the prior art of record. Notification of the allowability of claims 60 through 62 is respectfully solicited.

Accompanying this paper is a request for continued prosecution of this application in order to allow careful consideration on the merits of the claims as amended herein and of the claims newly added to this application.

To the extent there is any fee is required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Respectfully submitted,

Date:

5 May 2005

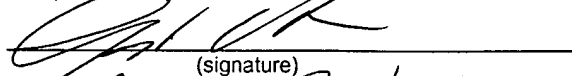


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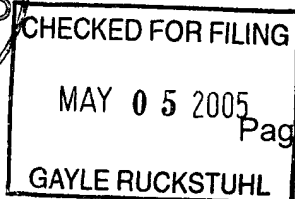
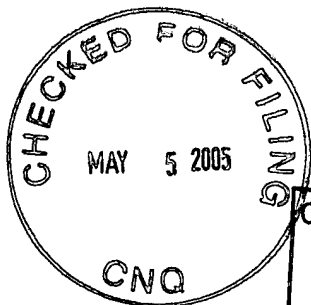
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UNDER 37 C.F.R. 1.8(a)**

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(signature)

BY: Gayle Ruckstuhl

DATE: 5 May 2005



### **Drawings**

The amendments to the drawings were described in Applicant's April 4, 2001 amendment and marked-up drawing sheets were also provided with Applicant's April 4, 2005 amendment. The Examiner indicated in the 5 November 2004 official action that these amendments are acceptable.

Therefore, in accordance with the Examiner's requirement on page 1 of the remarks in the November 5, 2004 official action, enclosed herewith are replacement pages containing figures 1, 2, 3, 6, 7, 8, 13 and 14, incorporating the changes requested in Applicant's April 4, 2001 amendment, with each being appropriately labeled "Replacement Sheet" to complete the requirements of 37 C.F. R. 1.121(d).